City Clerk File No	o Ura.	15.018
Agenda No	3.A	1st Reading
Agenda No	4.A	_2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.018

DEFEATED

TITLE:

CALENDAR YEAR 2015
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

COUNCIL of the following Ordinance:

offered and moved adoption

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions, and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Municipal Council of the City of Jersey City in the County of Hudson finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council hereby determines that a 2.5% increase in the budget for said year, amounting to \$10,204,848 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and a prudent fiscal measure; and,

WHEREAS, the Municipal Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Jersey City, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the City of Jersey City shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 2.5%, amounting to \$10,204,848 and that the CY 2015 municipal budget for the City of Jersey City be approved and adopted in accordance with this ordinance; and,

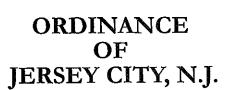
BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

DEFEATED

City Clerk File N	lo	Ord.	15.019	4
Agenda No		3.B		1st Reading
Agenda No	4.B		_2nd Reading	& Final Passage





COUNCIL AS A WHOLE 'offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.019

TITLE:

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE A MONTH-TO-MONTH LEASE NOT TO EXCEED SIX MONTHS WITH 3000 KENNEDY BLVD, LLC FOR THE USE OF 27 PARKING SPACES AT 3000 KENNEDY BOULEVARD, JERSEY CITY

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City ("City") requires a parking facility for employees who work at 1 Journal Square Plaza, Jersey City; and

WHEREAS, 3000 Kennedy Blvd, LLC ("Landlord") operates a parking facility at 3000 Kennedy Boulevard, Jersey City ("Facility"); and

WHEREAS, the Landlord agrees to lease to the City twenty-seven (27) reserved parking spaces at the Facility to be used by City employees who work at 1 Journal Square Plaza; and

WHEREAS, the rent will be \$120.00 per parking space per month for a total monthly rent of \$3,240.00; and

WHEREAS, the City will have the right to increase or decrease the number of spaces by five (5) as needed; and

WHEREAS, the lease will be a month-to-month lease not to exceed six months effective April 1, 2015; and

WHEREAS, the City will have the right to terminate the lease without cause by providing thirty (30) days' written notice to the Landlord; and

WHEREAS, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance acquire property by lease; and

WHEREAS, funds in the amount of \$10,000.00 are available in Account No. 01-201-31-432-304; and

WHEREAS, the balance of the lease funds will be made available in the 2015 calendar year permanent budget.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the Lease Agreement attached hereto with 3000 Kennedy Blvd, LLC for twenty seven (27) reserved parking spaces at the parking facility located at 3000 Kennedy Boulevard, Jersey City;
- 2. The term of the lease shall be effective as of April 1, 2015 and shall continue on month-to-month basis not to exceed six months;

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE A MONTH TO MONTH LEASE NOT TO EXCEED SIX (6) MONTHS WITH 3000 KENNEDY BLVD., LLC FOR THE USE OF 27 PARKING SPACES AT 3000 KENNEDY BOULEVARD, JERSEY CITY.

- 3. The City shall have the right to terminate the lease by providing thirty (30) days' notice prior to the effective date of termination;
- 4. The monthly rents for twenty seven (27) reserved parking spaces shall be \$120.00 per space for a total monthly rent of \$3,240.00;
- The City shall have the right to increase or decrease the number of spaces by five (5) as needed;
- 6. Funds in the amount of \$ 10,000.00 are available in Account No. 01-201-31-432-304. The balance of the lease funds will be made available in the 2015 calendar year permanent budget.
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect in the manner as prescribed by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

I,	, Donna Mauer, as Chief fiscal Officer, hereby certify that funds
in	the amount of \$10,000.00 are available for this expenditure in Account No. 01-201-31-432-
30	14.

RR 2-13-15

APPROVED AS TO LEGAL FORM

APPROVED

APPROVED

ngss Administrator

Certification Required

Not Required

ORDINANCE/RESOLUTION FACT SHEET - NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE A MONTH TO MONTH LEASE AGREEMENT NOT TO EXCEED SIX MONTHS WITH 3000 KENNEDY BLVD, LLC FOR THE USE OF 27 PARKING SPACES AT 3000 KENNEDY BOULEVARD, JERSEY CITY.

Initiator

Department/Division	Administration	Real Estate
Name /Title	Steve Miller	Confidential Assistant
Phone/E-Mail	(201) 547-4904	

Note initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance/Resolution Purpose

To provide 27 Parking Spaces for City Employees located at One Journal Square.

I certify that all the facts presented herein are accurate.

Signature of Department Director

LEASE AGREEMENT

This **AGREEMENT** made this __ day of March, 2015, between the **CITY OF JERSEY CITY**, a Municipal Corporation of the State of New Jersey, with offices at City Hall, 280 Grove Street, Jersey City, New Jersey 07302 [City or Tenant] and **3000 KENNEDY BLVD**, **LLC** with offices at 3000 Kennedy Boulevard, Suite 313B, Jersey City, NJ 07306 [Landlord.]

Whereas, the City requires parking facilities for employees whose offices are at One Journal Square Plaza, Jersey City; and

Whereas, the Landlord operates a parking facility at 3000 Kennedy Boulevard, Jersey City, New Jersey 07306 ("Facility"); and

Whereas the Landlord agrees to rent to the City twenty-seven (27) reserved parking spaces at the Facility on a twenty-four (24) hour basis, Monday thru Sunday; and

Whereas, the City and Landlord desire to enter into this lease agreement for the rental of parking spaces effective as of April 1, 2015 and continuing on a month-to-month basis not to exceed six (6) months.

Now, therefore, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

ART<u>ICLE I</u>

Premises

Landlord does hereby lease to the City and the City does hereby rent from the Landlord twenty-seven (27) reserved parking spaces at the Facility, as depicted in Exhibit A. During the lease term, the City shall have the right to reduce or increase the number of parking spaces that it uses by as many as five (5) spaces, subject to the availability of the requested number of spaces.

ARTICLE II

Term

This lease agreement shall be effective as of April 1, 2015 and continue on a month-to-month basis not to exceed six (6) months. The City shall have the right to terminate the lease without cause by providing thirty (30) days' notice prior to the effective date of termination.

ARTICLE III

Use

Under the terms of this lease, the City shall have the right to use and occupy twenty-seven (27) reserved parking spaces located at the Landlord's Facility. The City's use of the leased spaces shall be restricted to the vehicles listed on Exhibit B.

ARTICLE IV

Payment of Rent

The City agrees to pay the Landlord as rent one hundred twenty dollars (\$120.00) per parking space per month, payable on the first day of each month. Payments must be mailed to Landlord's office, 3000 John F. Kennedy Boulevard, Suite 313B, Jersey City, New Jersey 07306. In the event that the City exercises its right to decrease or increase the number of parking spaces, the monthly rent shall be reduced or increased accordingly.

ARTICLE V

Property Damage/Loss

The City shall hold Landlord harmless for any lost, stolen, or damaged property that is not due to the recklessness or negligence of Landlord, its agents, employees, and/or officials. The City also agrees to assume any charges associated with the towing of any of the City's vehicles parked in the Facility.

ARTICLE VI

Termination

The City shall have the right to terminate the lease at any time without cause by giving the Landlord thirty (30) days' written notice prior to the effective date of termination.

ARTICLE VII

Validity of Lease

The terms, conditions, covenants, and provisions of this Lease shall be deemed to be severable. If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity or any other clause or provision herein, but such other clauses or provisions shall remain in full force and effect.

ARTICLE VIII

Notices

All notices required under the terms of this Lease shall be given and shall be complete by mailing such notices by certified mail, return receipt requested, or by hand delivery to the addresses below:

City:

City of Jersey City Robert Kakoleski, Business Administrator City Hall 280 Grove Street, Room 108 Jersey City, New Jersey 07302

Licensor:

3000 Kennedy Blvd, LLC 3000 John F. Kennedy Blvd., Suite 313B Jersey City, New Jersey 07306

ARTICLE IX

Entire Contract

This lease contains the entire agreement between the parties. No representative, agent, or employee of the Landlord has been authorized to make any representations or promise with

reference to the within to vary, alter, or modify the terms hereof. No additions, changes or modifications, renewals or extensions hereof, shall be binding unless reduced to writing and signed by the Landlord and the City.

ARTICLE X

Insurance

The City agrees to supply Landlord with a certificate of insurance evidencing liability coverage naming Landlord as an additional insured. The City shall supply Landlord with the certificate of insurance prior to commencement of the lease, and such coverage shall remain in effect throughout the term of the lease.

IN WITNESS WHEREOF, the parties Agreement as of the day of Marc	s to this agreement have executed this Lease th 2015.
ATTEST:	CITY OF JERSEY CITY
ROBERT BYRNE City Clerk	ROBERT KAKOLESKI Business Administrator
WITNESS:	3000 KENNEDY BLVD, LLC
Ву:	By:
Title:	Title:

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. TITLE:

Ord, 15.019 3.B FEB 25 2015 4.B

MAR 1 1 2015

Ordinance authorizing the City of Jersey City to execute a month to month lease not to exceed six months with 3000 Kennedy Boulevard, LLC for the use of 27 parking spaces at 3000 Kennedy Boulevard, Jersey City.

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City Clerk File I	۸o	urd.	15.020	
Agenda No	3	.C	1st	Reading
Agenda No.	4.C		2nd Reading & Final	Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.020

TITLE:

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A LEASE/PURCHASE AGREEMENT AS LESSEE WITH JERSEY CITY MUNICIPAL, LLC, AS LESSOR FOR OFFICE SPACE TO BE CONSTRUCTED AT THE MLK HUB ON A PORTION OF LOT 17, BLOCK 21201 AT THE INTERSECTION OF KEARNEY AVENUE AND MARTIN LUTHER KING DRIVE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City ("City") has a need for office space for the Department of Health and Human Services and the Department of Housing, Economic Development and Commerce; and

WHEREAS, Lot 17 in Block 21201 on the City's Tax Map is a 6.95 acre parcel of land located near the intersection of Kearney Avenue and Martin Luther King Drive; and

WHEREAS, subject to the approval of this Lease/Purchase Agreement by the City's governing body, Jersey City Municipal, LLC ("JCM") intends to obtain a subdivision of Lot 17 to establish a 0.556 acre vacant lot, purchase the vacant lot, and construct a three story office building of approximately 45,000 square feet ("Property") which the City will lease; and

WHEREAS, the basic term of the Lease/Purchase Agreement is twenty-five (25) years with base rent payments commencing on the date of substantial completion of the building, but not later than February 1, 2017; and

WHEREAS, JCM offers to lease 45,000 square feet of office space to the City at \$21.40 per square foot for a monthly basic rent of \$80,250.00 or \$963,000.00 annually for the first five years of the lease term; and

WHEREAS, the basic rent for years six (6) through twenty-five (25) of the lease term shall be in accordance with Exhibit "B" of the Lease Agreement attached hereto; and

WHEREAS, the City shall have the option to purchase the Property for \$1.00 at the end of the lease term; and

WHEREAS, JCM will construct the "Base Building Work" described in Exhibit "C' of the Lease/Purchase Agreement attached hereto; and

WHEREAS, JCM will perform on the City's behalf the initial fit-up work in or to the building and shall provide the City with an allowance of \$50.00 per square foot or \$2,250,000.00 for 45,000 square feet for the initial fit-up work; and

WHEREAS, the Lease/Purchase Agreement is a bondable triple net lease and the City will be responsible for maintenance and repair costs for the building and the costs for insurance, real estate taxes and utilities; and

WHEREAS, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance acquire property by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

WHEREAS, it is the intent of the City and the JCM to treat the Lease/Purchase Agreement as an installment purchase agreement pursuant to N.J.S.A. 40A:12-5(b) such that the obligation of the City to

make payments under the Lease/Purchase Agreement shall be valid and binding for the term thereof and shall not be otherwise subject to annual appropriation.

NOW, THEEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- 1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute a Lease/Purchase Agreement in substantially the form attached with Jersey City Municipal, LLC for an office building to be constructed at the MLK HUB, on a 0.556 acre parcel of vacant land that is currently part of the 6.95 acres of land known as Lot 17 in Block 21201 on the City's Tax Map;
- 2. The authorization for this Lease/Purchase Agreement is subject to the construction by Jersey City Municipal, LLC, at its own expense, of the improvements described in Paragraph C1 of Exhibit "C" of Lease/Purchase Agreement attached hereto;
- 3. The Lease/Purchase Agreement shall require that the Landlord will obtain a performance bond and under no circumstances shall such performance bond require any payment from the City's insurance policies for completion of the work described on Exhibit C;
- 4. The basic term of the Lease/Purchase Agreement is twenty-five (25) years commencing on the date that is the earlier of (i) substantial completion of the improvements or (ii) February 1, 2017;
- 5. The rent, not including the expenses that are the responsibility of the City, for years one through five of the lease term shall be \$21.40 per square foot for a monthly basic rent of \$80,250.00 or \$963,000.00 annually. Subsequent years' rent shall be as set forth in Exhibit "B" of the attached Lease Agreement;
- 6. Pursuant to N.J.S.A., 40A:12-5(b), the obligation of the City to make payments under the Lease/Purchase Agreement is valid and binding for the term thereof and shall not otherwise be subject to annual appropriation; and
- 7. The Mayor and Business Administrator are authorized to take all actions to carry out the purposes and intent of the foregoing resolutions.
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

JMcK 2/18/2015

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED APPROVED

Business Administra

Certification Required ☐
Not Require@0262688.DDCX

RESOLUTION FACT SHEET - CONTRACT AWARD

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A LEASE/PURCHASE AGREEMENT AS LESSEE WITH JERSEY CITY MUNICIPAL, LLC, AS LESSOR FOR OFFICE SPACE TO BE CONSTRUCTED AT THE MLK HUB ON A PORTION OF LOT 17, BLOCK 21201 AT THE INTERSECTION OF KEARNEY AVENUE AND MARTIN LUTHER KING DRIVE

p	roject	Man	ager
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Department/Division	Business Administration	
Name/Title	Gregory Corrado	Asst. Business Administrator
Phone/email	201-547-5561	Greg@jcnj.org

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Contract Purpose

Lease Agreement between the City of Jersey City as the tenant and Jersey City Municipal, LLC as the landlord for the landlord to construct and lease to the City an approximately 45,000 square foot office building. The building will be constructed on a 0.556 acrea of vacant land that is currently part of a 6.95 acrea parcel of land known as Lot 17 in Block 21201on the City's Tax Map. The site is located near the intersection of Kearney Avenue and Martin Luther King Drive. The City will use the building as office space for the Department of Health and Human Services and the Department of Housing Economic Development and Commerce.

Cost (Identify all sources and amounts)

Contract term (include all proposed renewals)

For years one through five of the lease term shall be \$21.40 per square foot for a monthly basic rent of \$80,250.00 or \$963,000.00 annually. Subsequent years' rent shall be as set forth in Exhibit "B" of the Lease Agreement.

25 years with an option to purchase the building at the end of the lease term for \$1.00.

If "Other Exception", enter type					
Additional Information				v	
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Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. TITLE: Ord. 15.020

3.C FEB 25 2015 4.C

Robert Byrne, City Clerk

*Amendment(s):

MAR 1 1 2015

Ordinance authorizing the City of Jersey City to enter into a lease/purchase agreement as lessee with Jersey City Municipal, LLC as lessor for office space to be constructed at the Martin Luther King Drive HUB on a portion of Lot 17,Block 21201 at the intersection of

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Date

Date

APPROVED:

Date to Mayor_

MAR 1 1 2015

Steven-M. Fulop, Mayor MAR 1 2 2015

MAR 12 2015

City Clerk File I	√o	0rd. 15.021	
Agenda No		3.D	1st Reading
Agenda No	4.D	2nd Read	ling & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.02

TIŢLE:

AN ORDINANCE AMENDING CHAPTER 175 OF THE MUNICIPAL CODE (FOOD HANDLING ESTABLISHMENTS), ARTICLE III (FOOD ESTABLISHMENTS), SECTION 18 (DEFINITIONS), TO EXPAND THE DEFINITION OF AGRICULTURAL MARKET TO PERMIT SUCH MARKETS TO SLICE FRUIT AND PRODUCE FOR IMMEDIATE SALE AND CONSUMPTION

COUNCIL

offered and moved adoption of the following Ordinance:

WHEREAS, several fruit and produce vendors operate in Jersey City; and

WHEREAS, these vendors operate under the an Agricultural Market permit, which restricts them to selling only whole or pre-packaged goods; and

WHEREAS, there is a demand for these vendors to be able to slice the fruit and produce that they sell on-site for immediate consumption; and

WHEREAS, this minor level of food preparation is appropriate for vendors who possess an Agricultural Market license, and should not require additional licensure or fees; and

WHEREAS, the City wishes to amend Chapter 175 entitled "Food Handling Establishments," Article III entitled "Food Establishments," Section 18, entitled "Definitions," to expand the definition of "Agricultural Market" to allow the holders of such permits to slice the fruit and produce that they sell for immediate consumption.

NOW, THEREFORE, BE IT ORDAINED by the Council of Jersey City that Chapter 175, Article III, Section 18, shall be amended to read:

AGRICULTURAL MARKET - Any retail food establishment which is primarily engaged in the sale of raw agricultural products, may cut the raw agricultural products for sale on the premises and may include as a minor portion of the its operation, the sale of factory-sealed or prepackaged food products that do not normally require refrigeration; may include as a minor portion of the operation and the sale of other grocery products.

- All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect in the manner as provided by law.

IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is <u>underlined</u>; words struck through are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

JJH 2/18/15

APPROVED AS TO LEGAL FORM

Certification Required

Not Required

APPROVED:

VDDDO//ED

PROVED: Business Administrator

ORDINANCE FACT SHEET - NON-CONTRACTUAL

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE AMENDING CHAPTER 175 OF THE MUNICIPAL CODE (FOOD HANDLING ESTABLISHMENTS), ARTICLE III (FOOD ESTABLISHMENTS), SECTION 18 (DEFINITIONS), TO EXPAND THE DEFINTION OF AGRICULTURAL MARKET TO PERMIT SUCH MARKETS TO SLICE FRUIT AND PRODUCE FOR IMMEDIATE SALE AND CONSUMPTION

Initiator

Department/Division	Health & Human Services	Director's Office	
Name/Title	Margaret DeVico	HHS Policy & Communications Coordinator	
Phone/email	(201) 547 6517	MDeVico@jcnj.org	ŀ

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The purpose of this ordinance is to allow fruit vendors (produce stands or brick & mortar produce markets) to sell freshly-sliced fruits. Currently, these vendors operate with an agricultural market license, but that license does not allow the sale of fruit prepared on-premises. By enacting this small change in the definition of "agricultural market," fruit vendors with an agricultural market license may serve cut fruit on-site without obtaining additional licenses.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 15.021
TITLE: 3.D FEB 25 2015 4.D

MAR 1 1 2015

An ordinance amending Chapter 175 of the Municipal Code (Food Handling Establishments), Article III (Food Establishments) Section 18 (Definitions), to expand the definition of Agricultural Market to permit such markets to slice fruit and produce for immediate sale and consumption.

				RECORD OF COUNCIL	VOTE O	N INTR	ODLICTI	ON FEB 2 5 2015	•	ر چار میر رو	
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PHILIP CARRINGTON JAYSON BURG

SPEAKERS:

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					Date			Steven M. Fulop, M MAR 1 2 20	ayor 1 15		~~~

Date to Mayor_

City Clerk File	• No	0rd. 1	15.022	
Agenda No		3.E		1st Reading
Agenda No	4.E	2	nd Reading &	Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE

15.022

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MONTGOMERY STREET REDEVELOPMENT PLAN TO ALLOW SELF STORAGE USES

WHEREAS, the Municipal Council of the City of Jersey City adopted the Montgomery Street Redevelopment Plan in August of 1976, and amended the Plan numerous times subsequently, most recently on March 12, 2014;

WHEREAS, the existing Plan is does not include Self Storage uses, which already exist and are appropriate in the area; and

WHEREAS, minor typographical corrections have been made; and

WHEREAS, the Planning Board, at its meeting of January 20, 2015, determined that the Montgomery Street Redevelopment Plan should be amended to allow Self Storage uses and other minor changes; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Montgomery Street Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Montgomery Street Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Director, Division of City Planning

APPROVED AS TO LEGAL FORM

Certification Required

Not Required

approveď

APPROVED:

Business Administrator

RESOLUTION FACT SHEET -- NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MONTGOMERY STREET REDEVELOPMENT PLAN TO ALLOW SELF STORAGE USES

Initiator

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

The proposed amendments will add Self Storage Uses as permitted within the Industrial subdistrict of the Montgomery Street Redevelopment Plan. Other minor typographical corrections have been made.

I certify that all the facts presented herein are accurate. RP Castion

Signature of Department Director

Date

Department of Housing, Economic Development & Commerce Division of City Planning



Inter-Office Memorandum

DATE:

January 23, 2015

TO:

Council President Lavarro, Anthony Cruz, Bob Cotter

FROM:

Kristin J. Russell, PP, AICP

SUBJECT: Montgomery Street Redevelopment Plan amendment

The amendments before you for the Montgomery Street Redevelopment Area adds Self Storage as a permitted use in the Industrial subdistrict. This type of use already exists (along Grand St.) and is appropriate for the area. In order to avoid confusion and differentiate between retail, warehousing, and self storage uses, it will be beneficial to make this distinction.

Other minor typographical corrections have been made as well.

Summary Sheet:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MONTGOMERY STREET REDEVELOPMENT PLAN TO ALLOW SELF STORAGE USES

The proposed amendments will add Self Storage Uses as permitted within the Industrial subdistrict of the Montgomery Street Redevelopment Plan. Other minor typographical corrections have been made.

MONTGOMERY STREET REDEVELOPMENT PLAN

AUGUST, 1976
FEBRUARY, 1978
JUNE, 1979
SEPTEMBER, 1982
AUGUST, 1983
OCTOBER, 1986
NOVEMBER 15, 1999
Council Ordinance # 00-105 SEPTEMBER 18, 2000
Council Ordinance # 10-155 NOVEMBER 23, 2010
Council Ordinance # 14-023 MARCH 12, 2014
Proposed 12/30/14

A. TABLE OF CONTENTS

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D.	Project Proposals	17
E.	Other Provisions Necessary to Meet State and Local	
	Requirements	17
F.	Procedures for Changes in Approved Plan	
OFFIC	CIAL EXHIBITS TO THE REDEVELOPMENT PLAN	
Bound	lary Map	. i
Zoning	g Map	.ii
	in Need of Rehabilitation Map	

B. DESCRIPTION OF PROJECT

No Change

C. LAND USE PLAN

l. Zoning Map

The Zoning Map shows the following:

- a. Thoroughfare and street rights-of-way
- b. Other public uses and easements.
- c. Commercial & Industrial uses.
- d. Mixed uses.
- e. Residential uses.
- f. Interim Uses
- g. Educational Uses

2. Land Use Provisions and Building Requirements

Access by the elderly, physically handicapped and/or disabled will be encouraged. Design standards will meet or exceed Federal regulations.

- a. Uses to be permitted in the project area within each of the reuse areas are as follows:
 - 1) Education: The permitted uses shall be Public Schools athletic facilities, and the neighborhood centers containing facilities for recreation, health and education and accessory uses customarily incidental thereto including enclosed and open parking and outdoor recreational structures. Permitted uses shall be K-12 schools and accessory uses customarily incidental thereto including enclosed and open parking and outdoor recreational facilities.
 Additionally, public utilities shall be permitted, with the express prohibition of natural gas transmission lines.
 - 2) Easements: The permitted uses of easements shall be utility lines, except natural gas transmission lines, and intensive planting areas for screening. Utility easements may lie under paved parking areas, while the planting easements, located along the railroad, shall be utilized for planting purposes only. Planting easements shall be owned and maintained by the owners of the parcels adjoining the railroad as shown on the Land Use Map.
 - 3) Commercial: The permitted uses shall be commercial uses and retail sales and restaurants Category 1 and 2; office and medical office uses above the first floor only. Additionally, public utilities

shall be permitted, with the express prohibition of natural gas transmission lines.

- 4) Industrial: The permitted uses shall be as follows:
 - a) Offices
 - b) Light industry
 - c) Scientific or research laboratories devoted to research, design or experimentation, and processing and fabricating incidental thereto, provided that no materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said laboratory activities or are otherwise permitted in this district.
 - d) The wholesaling of goods or services, including the warehousing or storage of goods, provided such activities and inventories are conducted entirely within an enclosed structure or are conducted in open yard areas which are adequately screened from few from adjacent lots or roads.
 - e) Laundry, cleaning and dying work, and carpet and rug cleaning.
 - f) Commercial bakeries.
 - g) Self Storage Facilities
 - h) Public utility structures, except natural gas transmission lines which shall be prohibited.
 - i) Accessory uses customarily incidental to the above uses, including enclosed and open parking.
- 5) Residential: The permitted uses shall be:
 - a) detached and attached townhouses and apartments with uses customarily incidental thereto, including enclosed and open parking space and recreation areas. Home Occupations, as defined and delineated by the Jersey City Ordinance shall be permitted as an Accessory Use. Home Occupations must be conducted entirely within the principal structure.
 - b) Houses of Worship and uses customarily incidental thereto including accessory neighborhood community center services.
 - c) Public utilities, except natural gas transmission lines shall be prohibited.
- 6) Mixed Use:
 - a) Above the street level along all frontages, and at street level

along Florence Street only, apartments with uses customarily incidental thereto, including enclosed parking spaces and recreation areas. Home Occupations, as defined and delineated by the Jersey City Ordinance shall be permitted as an Accessory Use. Home Occupations must be conducted entirely within the principal structure.

- Houses of Worship and uses customarily incidental thereto including accessory neighborhood community center services.
- Street level retail sales and services, office and medical office uses.
- d) Public utilities, except natural gas transmission lines shall be prohibited.
- 7) Interim Uses: Interim uses may be established, subject to agreement by the developers with the Planning Board, that such uses will not have an adverse affect upon assisting or contemplated development during the interim use period. Interim uses must be approved by the Planning Board which may establish an interim use period of up to three (3) years duration. Additional renewals of an interim use may be granted by the Planning Board.
- 8) Educational: Permitted uses shall be K-12 schools and accessory uses customarily incidental thereto including enclosed and open parking and outdoor recreational facilities.
- b. Additional regulations, controls or restrictions to be imposed within each of the reuse areas are as follows:
 - 1) Education:

No change

2) Commercial:

No change

- Residential-A and Residential-B No change
- 4) Industrial:
 - a) Planning and Design Objectives: To provide large parcels of conveniently located land to accommodate the expansion and modernization needs of local and new industry while at the same time developing these areas to be compatible with nearby residential and school uses.
 - b) Yard Requirements: No building shall be closer than ten

- (10) feet to the nearest street line, however, no actual building front (excluding parking area) shall be closer than thirty (30) feet from street
- c) Building Coverage: The maximum amount of land covered by buildings shall not exceed sixty (60) percent.
- d) Density: No applicable to this use.
- e) Building Height: The maximum building height shall be forty (40) feet.
- f) Access to Housing Units: Not applicable to this use.
- g) Off-Street Parking: There shall be provided a minimum of one (1) space per four hundred (400) square feet for office use. One (1) space per seven hundred fifty (750) square feet for service and manufacturing use. One (1) space per five thousand (5000) square feet for warehouse or Self Storage use.
- h) Off-Street Loading: One (1) off-street loading space shall be provided for the first ten thousand (10,000) square feet of floor area and for each additional twenty thousand (20,000) square feet, up to one hundred thousand (100,000) square feet thereafter one (1) space per each additional forty thousand (40,000) square feet.
- i) Landscaping: A minimum of ten (10) percent of the lot area shall be landscaped, and in the site plan review process the Agency will seek to provide maximum buffering between industrial areas and residential or public areas.
- 5) Mixed Use:

No change

6) General Provisions:

No change

- 7) Review and Approval of Plans and Specifications:
 No change
- D. PROJECT PROPOSALS

No change

E. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

No change

F. PROCEDURE FOR CHANGES IN APPROVED PLAN

No change

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 15.022
TITLE: 3.E FEB 25 2015 4.E

MAR 1 1 2015

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Montgomery Street Redevelopment Plan to allow self storage uses.

			•	RECORD OF COUNCIL	VOTE O	N INTRO	ODUCTI	ON FFR 2 5 2	015	9.	0
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SPEAKERS:

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Date to Mayor_

City Clerk File No.	<u> </u>	15.023	*	7.	
Agenda No	3.F		··	1	st Reading
Agenda No	4.F	_2nd Rea	ading	& Fina	ıl Passage





COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.023

THE LAND DEVELOMENT ORDINANCE FOR SELF STORAGE AND PARKING USES

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

WHEREAS, contemporaneously with the adoption of a definition for Self Storage Facilities, it is necessary to include this as a permitted use in various zones – namely, Highway Commercial and Industrial; and

WHEREAS, it will also be beneficial to allow parking as a permitted use in the Port Industrial zone to better serve the industrial businesses in the vicinity; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

WHEREAS, the Planning Board at its meeting of January 20, 2015 did vote to recommend that the Municipal Council amend the Definitions of the Land Development Ordinance; and

WHEREAS, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, FAICP, PP, Director Division of City Planning

APPROVED AS TO LE	EGAL FORM	APPROVED:
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~ V/ is 17 Corpora	ition Counsel	Business Administrator
101	/	
Certification Required		
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Not Required	₩	

RESOLUTION FACT SHEET - NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOMENT ORDINANCE FOR SELF STORAGE AND PARKING USES

Initiator

Γ	Department/Division	HEDC	City Planning
Γ	Name/Title	Robert Cotter, PP, AICP	Director
Γ	Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

The proposed amendment adds Self Storage Facility uses to the Highway Commercial and Industrial zones. Additionally, parking uses have been added to the Port Industrial zone.

I certify that all the facts presented herein are accurate. Political Signature of Department Director

Signature of Department Director

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 15.023
TITLE: 3.F FEB 25 2015 4.F

MAR 1 1 2015

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Land Development Ordinance for self storage and parking uses.

				RECORD OF COUNCIL	VOTE O	N INTRO	ODUCTI	ON FFR 25	2015	9-	0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NÁY	N.V.
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SPEAKERS:

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Adopted on first reading of the Council of Jersey City, N.J. on		
Adopted on second and final reading after hearing on MAR 1 1 2015		
Adopted on second and final reading after hearing on		
This is to certify that the foregoing Ordinance was adopted by APPROVED:		
he Municipal Councilat its meeting on MAR 1 2015		
1 Man 1 n 1		
Dean ! Nallaufter , Within Rolando R. Lavarro, Jr., Council Pr	sident	
Robert Byrne, City Clerk Date MAR 1 1 2015		
Amendment(s):		
APPROVED:		

Date to Mayor_

Steven M. Fulop, Mayor MAR 1 2 2015

MAR 1 2 2015

City Clerk File No.	Ord.	15.024
Agenda No	3.G	1st_Reading
Agenda No	4.G	_2nd Reading & Final Passage





ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.024

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR REDEVELOPMENT PLAN TO ALLOW SELF STORAGE USES

WHEREAS, the Municipal Council of the City of Jersey City adopted the Liberty Harbor Redevelopment Plan in March of 1973, and amended the Plan numerous times subsequently, most recently on February 13, 2013; and

WHEREAS, the existing Plan is does not include Self Storage uses, which already exist and are appropriate in the area: and

WHEREAS, the Planning Board, at its meeting of January 20, 2015, determined that the Liberty Harbor Redevelopment Plan should be amended to allow Self Storage uses; and

WHEREAS, a copy of the Planning Board's recommended amendments to the Liberty Harbor Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Liberty Harbor t Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, PP, FAICP Director, Division of City Planning

ADDDOVED AS TO LEGAL EODK

Certification Required

Not Required

APPROVED:

APPROVED

Business Administrator

RESOLUTION FACT SHEET - NON-CONTRA	ACTU	AL.
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This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE LIBERTY HARBOR REDEVELOPMENT PLAN TO ALLOW SELF STORAGE
USES

Initiator

THEFT		
Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Reso	lution	Pur	pose

The proposed amendments will add Self Storage Uses as permitted within the Industrial subdistrict of the
Liberty Harbor Redevelopment Plan.

I certify that all the facts presented herein are accurate. RD Calladore Signature of Department Director Date

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 15.024 TITLE: 3.G FEB 25 2015 4.G

MAR 1 1 2015

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the Liberty Harbor Redevelopment Plan to allow self storage uses.

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SPEAKERS:

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APPROVED:

Date to Mayor_

Date_

Steven M. Fulop, Mayor MAR 1 2 2015

MAR 1 2 2015

City Clerk File No		Ord. 15.025	
Agenda No		3.H	1st Reading
Agenda No	4.H	2nd Reading	& Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.025

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE DEFINITIONS OF THE LAND DEVELOMENT ORDINANCE

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

WHEREAS, Article I of the Land Development Ordinance contains definitions; and

WHEREAS, the existing glossary does not include a definition for "self storage uses," which will be beneficial to distinguish from other uses; and

WHEREAS, the existing definition for "business incubators" should be modified and expanded to further encourage entrepreneurial growth; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

WHEREAS, the Planning Board at its meeting of January 20, 2015 did vote to recommend that the Municipal Council amend the Definitions of the Land Development Ordinance; and

WHEREAS, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, FAICP, PP, Director
Division of City Planning

APPROVÉD:

APPROVED:

Business Administrator

APPROVED AS TO LEGAL FORM

Certification Required

Not Required

U

RESOLUTION FACT SHEET - NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE DEFINITIONS OF THE LAND DEVELOMENT ORDINANCE

Initiator

Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, AICP	Director
Phone/email	201-547-5010	bobbyc@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

The proposed amendments will provide a definition of "self storage facility	7" and modify the definition of
"business incubator" for the Land Development Ordnance.	

I certify that all the facts presented herein are accurate.

1/26//5

Signature of Denastment Director

Signature of Department Director

Department of Housing, Economic Development & Commerce **Division of City Planning**



Inter-Office Memorandum

DATE:

January 23, 2015

TO:

Council President Lavarro, Anthony Cruz, Bob Cotter

FROM:

Kristin J. Russell, PP, AICP

SUBJECT: LDO definitions amendment

The amendments before you pertains to the zoning definitions.

First, the definition of "business incubator" has been expanded. There has been some interest by property owners in developing a business incubator sometime in the near future. While those plans have not yet been developed, it became evident in our conversations that expanding the definition would help facilitate this use and encourage entrepreneurial growth. Additionally, the new definition should be applicable to the future Liberty Science Center expansion which the City recently announced.

Second, a new definition has been created for Self Storage facilities. Until this time. there was no specific definition for this use. And, case law suggests that without municipal language to the contrary, self storage should be categorized as retail. This could have some very unwanted consequences, so calling self storage out as its own use will enable the City to permit such facilities in appropriate places while ensuring that our main streets and small retail areas will not be affected.

Summary Sheet:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE DEFINITIONS OF THE LAND DEVELOMENT ORDINANCE

The proposed amendments will provide a definition of "self storage facility" and modify the definition of "business incubator" for the Land Development Ordnance. BUSINESS INCUBATOR - A place -often in an office type environment, where services, <u>space</u>, <u>education</u>, and assistance are provided to new businesses <u>light industries</u>. <u>Incubators include</u>, <u>but are not limited</u> <u>to</u>, <u>office type environments</u>, <u>scientific and research laboratories</u>, <u>kitchens</u>, <u>computer laboratories</u>, <u>and workshops</u>. Incubators are often affiliated with <u>a school or university</u>, <u>which an institution or organization able to</u> provide access to instruction, advice, research facilities, or funding. Shared services often provided include: photocopying, bookkeeping, utilities, and building maintenance and management. Sharing of services, <u>spaces</u>, <u>and equipment</u> provides greater economies of scale for the incubator, <u>and creates an entrepreneurial community among its users</u>.

<u>SELF STORAGE FACILITY- A facility consisting of individual, self-contained units leased to individuals, organizations, or small businesses for self-service storage of personal property. No commercial warehousing is permitted.</u> Self Storage shall not be considered retail sales or service.

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 15.025
TITLE: 3 H PPP

3.H FEB 25 2015 4.H

Robert Byrne, City

*Amendment(s):

MAR 1 1 2015

Ordinance of the Municipal Council of the City of Jersey City adopting amendments to the definitions of the Land Development Ordinance.

				RECORD OF COUNCIL	VOTE O	NINTRO	DUCTI	ON FEB 2 5 20	15	9-0	
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Adopted on first reading of the Council of Jersey City, N.J. on					MAR 1 1 2015						

Date.

Date

APPROVED:

Date to Mayor_

Rolando R. Lavarro, Jr., Council President MAR 1 1 2015

> Steven-W. Fulop, Mayo MAR 1 2 2015

> > MAR 1 2 2015

City Clerk File No	ord	15.026
Agenda No	3.I	, . 1st Reading
Agenda No	4.I	_2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE 15.026

TITLE:

AN ORDINANCE AMENDING: (1) CHAPTER 175, (FOOD HANDLING ESTABLISHMENTS) ARTICLE III, (FOOD ESTABLISHMENTS) TO CREATE STANDARDS FOR FARMERS' MARKETS; (2) CHAPTER 3, (ADMINISTRATION (ADMINISTRATION OF GOVERNMENT) ARTICLE IX, (DEPARTMENT OF PUBLIC WORKS) SECTION 71, (DIVISION OF PARK MAINTENANCE) TO AMEND THE APPROVAL PROCESS FOR FARMERS' MARKETS SEEKING PERMISSION TO OPERATE IN CITY PARKS; (3) CHAPTER 239, (PARKS) SECTION 15, (HOURS OF OPERATION; PERMITS; FARMERS' MARKETS) TO CREATE STANDARDS FOR FARMERS' MARKETS OPERATING IN CITY PARKS AND CHAPTER 160 (FEES AND CHARGES) SECTION P (CHAPTER 175, FOOD HANDLING ESTABLISHMENTS) TO CREATE A FEE FOR FARMERS' MARKETS

COUNCIL

offered and moved adoption of the following Ordinance:

WHEREAS, several so-called farmers' markets exist throughout the City; and

WHEREAS, there are currently few regulations contained in the City Code governing farmers' markets; and

WHEREAS, the City of Jersey City wishes to encourage the growth and development of more farmers' markets throughout the City; and

WHEREAS, the City recognizes the need to better regulate farmers' markets in order to ensure the health, safety and welfare of the residents; and

WHEREAS, the City wishes to amend Chapter 175 entitled "Food Handling Establishments" to provide standards for farmers' markets; and

WHEREAS, the City of Jersey City wishes to encourage the use of portions of City parks for farmers' markets throughout the City; and

WHEREAS, the City also recognizes the need to improve the approval process for farmers' markets seeking to operate in City parks so as to ensure the health, safety and welfare of the residents; and

WHEREAS, the City also wishes to amend Chapter 3 entitled "Administration of Government" Article IX entitled "Department of Public Works," Section 71 entitled Division of Park Maintenance," to improve the process by which farmers' markets are approved to operate within City parks; and

WHEREAS, the City also wishes to amend Chapter 239, entitled "Parks" Section 15 entitled "Hours of operation; permits; farmers' markets" to create standards for farmers' markets which operate in City parks.

NOW, THEREFORE, BE IT ORDAINED by the Council of Jersey City that Chapter 175, Article III, shall be amended to read:

§ 175-16. Applicability.

This Article shall be applicable to eating and drinking establishments and to itinerant eating and drinking establishments.

§ 175-17. Restaurant home delivery service; notice.

Every restaurant which operates or advertises a home delivery service and does A. not deliver to every location in the City of Jersey City shall post a notice containing the following language:

(RESTAURANT NAME)

DOES NOT DELIVER TO EVERY LOCATION IN JERSEY CITY

- The sign shall be in letters of one inch and shall be conspicuously displayed at the В. cash register at the point of sale and at the restaurant entrance and exit.
- C. Any restaurant which does not display this sign will be deemed to deliver to any location in Jersey City.
- A restaurant which does not deliver to every location in Jersey City and which D. does not display the above sign shall be punishable as provided in Chapter 1, General Provisions, § 1-25, or to revocation of its license, or both.
- "Restaurant" includes any restaurant, pizzeria, tavern, diner, luncheonette or place E. of business where food and drink are sold for consumption on and off the premises.

§ 175-18, Definitions.

As used in this Article, the following terms shall have the meanings indicated:

AGRICULTURAL MARKET - Any permanent retail food establishment which is primarily engaged in the sale of raw agricultural products; may include as a minor portion of the operation the sale of factory-sealed or prepackaged food products that do not normally require refrigeration; may include as a minor portion of the operation the sale of other grocery products.

BAKERY - Any retail food establishment engaged in the sale or preparation of bakery products such as bread, cakes and pies; may include as a minor portion of the operation the sale of other grocery products.

BAR/LIQUOR STORE - Any retail establishment engaged in the sale of alcoholic beverages; may include as a minor portion of the operation the sale of factory-sealed or prepackaged food products.

BUTCHER - Any retail food establishment primarily engaged in the sale or preparation of meat products; may include as a minor portion of the operation the sale of other grocery products.

Continuation of City Ordinance _

CATERER/COMMISSARY/KITCHEN - Any food establishment engaged in the preparation of food which is then transported to be served or offered for sale elsewhere.

CONFECTIONERY - Any retail establishment primarily engaged in the sale of non-factory-sealed or prepackaged candy products by weight or piece.

DELIVERY VEHICLE - Any mobile vehicle primarily used in the sale or delivery to individuals or food establishments of raw agricultural, frozen dairy or flavored ice, milk/dairy, raw meat/fish/poultry or bakery products.

<u>DISTRICT MANAGEMENT CORPORATION</u> - An entity created by municipal ordinance or incorporated pursuant to Title 15A of the New Jersey Statutes and designated by municipal ordinance to receive funds collected by a special assessment within a special improvement district.

FARM PRODUCT - shall mean any agricultural, horticultural, forest product, or other product of the soil or water including but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, preserves, maple sap products, apple cider, fruit juice, ornamental or vegetable plants, nursery products, flowers, firewood and Christmas trees.

FARMERS' MARKET - shall mean a temporary market established in a public space where farmers/growers sell a variety of farm products, as defined in this ordinance, directly to the consumer.

FISH MARKET - Any retail food establishment primarily engaged in the sale or preparation of fish or fish products; may include as a minor portion of the operation the sale of other grocery products.

FLEA MARKET - An open or closed air market primarily arranged for individual vendors to sell or trade new or used nonfood products and at which food products may be available for sale at the discretion of the Jersey City Health Officer.

FOOD DESERT - A census tract- as determined by standards established by the US Departments of Agriculture, Treasury and Health and Human Services - with a substantial share of residents who live in low income areas that have low levels of access to a grocery store or healthy, affordable food retail outlets.

FOOD ESTABLISHMENT — Any business engaged in the sale of food and beverages of any kind, whether prepared on or off-site, including but not limited to the sale of raw agricultural products, bakery products such as bread, cakes and pies, meat products, candy or candy products, farm products as defined in this ordinance, fish or fish products, frozen dairy or flavored ice products, groceries, products sold from a mobile food vendor; businesses such as delicatessens, restaurants/cafeterias (Class A), restaurants/luncheonette/cafes (Class B), institution kitchens, supermarkets, taverns and temporary retail food establishments.

FROZEN DAIRY AND FLAVORED ICE PRODUCTS - Any retail food establishment primarily engaged in the sale or preparation of frozen dairy or flavored ice products.

GROCERY - Any retail food establishment engaged in the sale of a limited variety of bakery and dairy products as well as prepackaged and processed food products.

GROCERY/DELICATESSEN - Any retail food establishment primarily engaged in the sale of prepared foods and/or hot or cold sandwiches and a limited variety of bakery, meat, fish, poultry, dairy or liquor products, as well as prepackaged and processed food products.

HEALTH OFFICER - Any reference to the City's Health Officer shall refer to the Health Officer or his or her designee.

INSTITUTIONAL KITCHEN - Any food establishment engaged in the preparation of food which is to be served therein or minimally transported for service within the confines of the structure that houses the kitchen.

ITINERANT EATING AND DRINKING ESTABLISHMENTS - Any retail food establishment which is not housed in a permanent structure and which moves from location to location. Foods offered will require heating or refrigeration.

MINI-MARKET/MINIMART - Any retail food establishment engaged in the sale of a limited variety of bakery, meat, fish, poultry, raw agricultural, dairy or liquor products as well as prepackaged and processed food products.

MISCELLANEOUS LICENSE - This shall consist of any activity delegated to the Division of Health for licensing or regulation. The license fee shall be determined by the Division of Health.

MOBILE FOOD VENDORS - A mobile food vendor is anyone who sells food or beverages from a vehicle such as a truck, van or pushcart, whether such food or beverages are prepared on site or prepared elsewhere and transported to the site of the sale.

NEWSSTAND - Any retail establishment primarily engaged in the sale of newspapers, magazines and notions; may include as a minor portion of the operation the sale of factory-sealed or prepackaged food products or prepared foods such as coffee, tea and rolls.

NOT-FOR-PROFIT CORPORATION - shall mean a federal tax exempt, nonprofit corporation incorporated in New Jersey. A New Jersey corporation which can demonstrate proof of pending federal tax exempt status shall also be deemed a non-profit corporation for the purposes of this ordinance.

PHARMACY/DRUGSTORE - Any retail establishment primarily engaged in the sale of drugs, cosmetics and devices pursuant to N.J.S.A. Title 24; may include as a minor portion of the operation the sale of food products.

Continuation of City Ordinance

RESTAURANT/CAFETERIA (CLASS A) - Any retail food establishment, having an occupancy of more than 20 persons, engaged in the preparation and sale of food.

RESTAURANT/LUNCHEONETTE CAFE (CLASS B) - Any retail food establishment, limited to an occupancy of not more than 20 persons, engaged in the preparation and sale of food.

SPECIAL IMPROVEMENT DISTRICT- A special improvement district means an area within a municipality designated by municipal ordinance as an area in which a special assessment on property shall be imposed for purposes of promoting the economic and general welfare of the district and the municipality.

SUPERMARKET - Any retail food establishment engaged in the sale of an extensive variety of bakery, meat, fish, poultry, raw agricultural, dairy or liquor products as well as prepackaged and processed food products.

TAVERN - Any retail establishment engaged in the sale of alcohol and in the preparation of foods offered for sale therein.

TEMPORARY RETAIL FOOD ESTABLISHMENT - Any retail food establishment which operates at a fixed location for a temporary period of time in connection with a fair, carnival, circus, public exhibition or similar transitory function, including church suppers, picnics or other organizational meetings; includes mobile retail food establishments and mobile agricultural markets.

§ 175-19. Classification of establishments.

- A. The classification of each establishment will be determined by the Jersey City Division of Health pursuant to § 175-18
- B. Establishments meeting the criteria for more than one classification shall be charged the greater fee.
- C. If an establishment includes more than one classification, the Health Officer or designee may inspect, rate and issue violations and orders on any separate classification, e.g., fish market, butcher or restaurant.

§ 175-20. License required; application.

- A. No person shall operate any food establishment as defined in this article without a license issued by the eCity.
- B. Applications for such license shall be submitted to the Division of Health of the City. The application shall be upon appropriate forms as the Health Officer shall require.

§ 175-21. License fees.

- A. The fee for said license shall be as set forth in Chapter 160, Fees and Charges.
- B. There shall be no prorating of license fees. Such license fees shall not be refundable. Such license is not transferable. It shall not be displayed in a

conspicuous place in the establishment. In the case of farmers' markets, the Seasonal Market License, defined in Chapter 160, Section P(3)(a)[5][c](i), shall be displayed at the manager's table or some other publically viewable location within the market, and all vendors participating in such farmers' market shall display its Seasonal Vendor License, defined in Chapter 160, Section P(3)(a)[5][c](ii), at its point of sale or other publically viewable location.

§ 175-22. License term.

All licenses provided for in this article shall be for a term of one year beginning on the date of issuance except for a supermarket, which shall be for a term of six months, and in the case of farmers' markets which shall be in operation during farmers' market season (April 1st through December 31st). Existing licenses shall retain the April 30 expiration date except for existing supermarkets which shall have April 30 and October 30 as expiration dates.

§ 175-23. Operation without license; failure to renew.

- Food establishments engaged in operation without a license or which have failed Α. to renew a license after notification from the Division of Health shall be punishable as provided in Chapter 1, General Provisions, § 1-25
- Establishments operating without a license shall be closed pending application B: and approval of license.
- Establishments failing to renew their license after the issuance of a summons from C. the Division of Health are subject to forfeiture of license.

§ 175-24. Food handler's course; fee.

- Pursuant to N.J.A.C. 8:42-3.4(a)5, the Division of Health shall maintain A. surveillance of retail food establishments, food and beverage vending machines and shall provide for, or conduct, training courses for food services supervisors using curricula approved by the Department of Health.
- A minimum of one manager or supervisor of retail food establishments of any В. classification must satisfactorily complete the Jersey City Health Division Food Handler's Course each year prior to renewal of the license. The effective date of this requirement shall be the licensing renewal deadline for 1989. Thereafter, no retail food establishment which has failed to meet this requirement shall receive a license. At least one person having satisfactorily completed the Jersey City Health Division food handler's course shall be on the premises during hours of operation.
- A fee as provided in Chapter 160, Fees and Charges, will be charged to cover the C. costs of each food handler's course.

§ 175-25. Closure by Health Officer.

If an extremely unsanitary condition exists or if the Health Officer or delegee has reasonable cause to suspect that any food establishment or any employee thereof is or may be a source of food-borne infection, the Health Officer or delegee is authorized to require the immediate closure of the food establishment until the extremely unsanitary condition has been eliminated and/or cause the immediate exclusion of the employee from the food establishment until the employee no longer poses a threat of food-borne infection.

- B. The Health Officer, when practical, shall give the owner, manager or employee an opportunity to be heard prior to closure or exclusion. However, when the Health Officer determines that in order to protect the public health a hearing cannot be afforded prior to closure or exclusion, a hearing shall be held within 10 days thereafter.
- C. In addition to the authority and powers conferred herein, the Health Officer is authorized to suspend or revoke the license permitting the operation of a food establishment if the holder thereof shall violate any of the provisions of this Code. No suspension or revocation shall take place prior to the license holder having an opportunity to be heard upon at least 10 days' notice.

§ 175-26. Inspection of retail food establishments.

- A. The Health Officer or delegee shall inspect every retail food establishment as necessary.
- B. The person operating a retail food establishment shall permit access to all parts of the establishment.

§ 175-27. Interference with Division of Health or police.

No person shall obstruct or any way interfere with the Health Officer or delegee or with any police officer in the performance of any duty under this chapter or under any other chapter of this Municipal Code.

§ 175-28. Farmers' Markets.

- A. A Seasonal Market License, as defined in Chapter 160, Section P(3)(a)[5][c](i) (hereinafter "Seasonal Market License") to operate a farmers' markets will only be issued to not-for-profit corporations as defined by § 175-18.
- B. Farmers' markets shall only operate during farmers' market season.
- C. At least 55% of the total volume of all products available for sale must be a farm product harvested or produced within 300 miles of Jersey City. Any vendor whose farm products are not grown within 300 miles of Jersey City shall so indicate with signage displayed by the farm product being sold.
- No Seasonal Market License shall be issued to operate a farmers' market unless at least 25% of the vendors accept supplemental food vouchers (SNAP/EBT, WIC Cash Value Vouchers, and/or FMNP vouchers). Those vendors which accept such youchers shall so indicate by posting a sign at the point of sale.
- E. The Health Officer shall waive the Seasonal Vendor License Fee, as set forth in Ch. 160, Section P(3)(a)[5][c](ii), for any vendor participating in a farmers' market, which operates in a location deemed by the Health Officer to be a food desert.
- F. Non-profit organizations which seek to operate a farmers' markets in a City park must receive additional permission from the Division of Park Maintenance pursuant to § 3-71.1(e).

Continuation of City Ordinance _

- G. A Seasonal Market License to operate a farmers' market within one of the City's designated Special Improvement Districts, shall only be issued to the District Management Corporation (DMC).
- H. An application to operate a farmers' market shall require proof of general liability insurance from an A.M. Best-rated insurance company in the amount of One Million Dollars (\$1,000,000.00) and must name the City of Jersey City as an additional insured unless waived by the City's Risk Manager.
- I. Applications to establish a farmers' market and all supporting documents must be submitted to the Division of Health at least thirty (30) days before the planned opening of the market.
- J. In addition to having satisfactorily completed the Jersey City Health Division Food Handler's Course, a minimum of one manager or supervisor of the farmers' market may be asked by the Health Officer to demonstrate knowledge of the Minimum Food Safety Requirements for Product Sales at Farmer's Markets as promulgated by the New Jersey Department of Agriculture. A copy of these requirements is available from the Department of Agriculture and shall be available upon request from the City's Health Officer.
- K. Starting April 1, 2016 farmers' markets vendors shall not use plastic bags to dispense their products.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Council of Jersey City that Chapter 3, Article IX, Section 71, shall be amended to read:

§ 3-71.1. Division of Park Maintenance.

- A. Creation of the Division of Park Maintenance; Director of Park Maintenance in charge. There is hereby created within the Department of Public Works a Division of Park Maintenance, the Director of which shall be the Director of Park Maintenance.
 - (1) Division of Park Maintenance; functions. Under the direction and supervision of the Director of Public Works, the Division of Park Maintenance shall:
 - (a) be responsible for planning and maintaining all facilities for recreational purposes offered by the City, which include parks, playgrounds, green space, sitting areas and indoor recreational facilities.
 - (b) Be responsible for the administration of the Clean Communities Program.
 - (c) Be responsible for the trimming of trees on sidewalks.
 - (d) Be responsible for the planting of trees within public easement areas.

Continuation of City Ordinance

- Be in charge of issuing park usage permits for picnics, reunions, (e) weddings, other social gatherings, and for flea markets and farmers' markets, provided that flea markets and farmers' markets permits are subject to the following permitting requirements:
 - Subject to such rules, regulations, restrictions and (i) requirements of § 239-15 of this Code, flea markets permits shall be issued as follows: Each organization seeking a flea market permit may be issued two (2) such permits per calendar year for any one of the following parks in which flea markets may be held: Van Vorst Park; Hamilton Park; Columbia Park; Audubon Park; Ercel Webb Park; Bayside Park; Arlington Park; Riverview Park; Leonard Gordon Park and Sgt. Anthony Park. Each of the aforementioned parks may have no more than six (6) flea markets per year, and there shall be no flea markets permitted and no permits issued for Pershing Field and Grundy Pier Parks; and
 - (ii) Subject to such rules, regulations, restrictions and requirements of § 239-15 and § 175-16 et seq. of this Code, farmers' markets permits shall to operate farmers' markets within City Parks may be issued as follows: Park Associations, selling products of farmers which to nonprofit organizations which have been licensed by the City Board of Health Health Officer under § 175-16 et seq. as food handling-establishments may apply for farmers' markets permits. For purposes of this Chapter § 3.71.1, an organization will-be considered a Park Association if it is a legally constituted not for profit corporation of the State of New Jersey which has as its corporate purpose the benefit and improvement of the Jersey City park and for which it is applying for a farmers' markets permit. Such Park Association, wWhen applying for a permit to operate a farmer's market within a City Park, the non-profit organization shall provide proof to the Director of the Division of Park Maintenance, prior to the issuance of the license permit, that the Park Association non-profit organization has been licensed to operate a farmer's market by the City Division of Health and has secured general liability insurance for the farmers' market in the amount of One Million Dollars (\$1,000,000.00) from an A.M. Bestrated insurance company which names the City of Jersey City as an additional insured unless waived by the City's Risk Manager. Farmers' markets may be held at the following city parks: Van Vorst Park; Hamilton Park; Columbia Park; Audubon Park; Ercel Webb Park; Bayside Park; Arlington Park; Riverview Park; Leonard Gordon Park and Sgt. Anthony Park in the passive recreation portion of any City Park, space permitting, except J. Owen Grundy Pier Park. The exact location of any farmers' market within a City park shall be determined solely by the Director of the Division of Park Maintenance and the permit issued shall include a map indicating where the market is to be situated. There shall be no farmers' markets permitted and no permits issued for Pershing Field and

Grundy Pier Parks. Applications to establish a farmers' market in a City park and all supporting documents must be submitted to the Division of Health at least thirty (30) days before the planned opening of the market.

(f) Be responsible for codifying costs to the Tax Collector on work performed on private property.

NOW, THEREFORE, BE IT ALSO ORDAINED by the Council of Jersey City that Chapter 239, Section 15, shall be amended to read:

§ 239-15. Hours of operation; permits; farmers' markets.

- A. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year between the hours of 6:00 a.m. and 10:00 p.m. daily. (J. Owen Grundy Park, however, is exempt from the 10:00 p.m. closing time.) The opening and closing hours for each individual park shall be posted therein for public information.
- B. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses as the Director shall find reasonably necessary.
- C. All activity is prohibited in the parks between the hours of 10:00 p.m. and 6:00 a.m., except in the case of an exemption or special activity sponsored or approved by the City Council.
- The finding of lost articles by park employees shall be reported to the person in charge of the park, who shall make every reasonable effort to locate the owners.
 The employees shall make every reasonable effort to find articles reported as lost.
- E. A permit shall be obtained from the Director before participating in any park activity.
- F. A person seeking issuance of a permit hereunder shall file an application with the Director or his or her designee. The application shall state:
 - (1) The name and address of the applicant.
 - (2) The name and address of the person, persons, corporation or association sponsoring the activity, if any.
 - (3) The day and hours for which the permit is desired.
 - (4) The park or portion thereof for which such permit is desired.
 - (5) An estimate of the anticipated attendance.
 - (6) Any other information which the Director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.
- G. The Director or his or her designee shall issue a permit hereunder where he finds:
 - (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.

- (2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city.
- (5) That the facilities desired have not been reserved for other use at the day and hour required in the application.
- (6) In the case of farmers' markets which are part of the New Jersey Council of Farmers & Communities (NJCFC), a person a non-profit corporation seeking a permit for same shall, in addition to all other applicable requirements and restrictions in this chapter and Code, obtain any and all applicable prior approvals from state or local government, including but not limited to any food establishment licenses required pursuant to § 175-16 et seq. of this code.
- H. Within five days after receipt of an application, the Director shall apprise an applicant in writing of his or her reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within 10 days to the Director, who shall consider the application under the standards set forth in Subsection B hereof and sustain or overrule the decision with 10 days, but no later than two days before the date sought for the permit. The decision of the Director shall be final.
- I. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permit.
- J. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.
- K. A permit may be revoked upon a finding of violation of any rule or ordinance or upon good cause shown.

§ 239-16. Enforcement.

- A. The Director, the police and park employees shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.
- B. The Director, the police and any park employee shall have the authority to eject from the park any person acting in violation of this chapter.
- C. The Director, the police and any park employee shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter.

NOW, THEREFORE, BE IT ALSO ORDAINED by the Council of Jersey City that Chapter 160, Section P. shall be amended to read:

P. Chapter 175. Food-Handling Establishments.

15.026

- (2) Article II, Mobile Food Vendors. NO CHANGE.
- (3) Article III, Food Establishments.(a) NO CHANGE.
 - [1]: NO CHANGE.
 - [2]: NO CHANGE.
 - [3]: NO CHANGE.
 - [4]: NO CHANGE.
 - [5]: NO CHANGE.
 - [a.] Miscellaneous.NO CHANGE.
 - [b.] Flea markets.
 NO CHANGE.
 - [c.] Farmers' markets. For each farmers' market season, April 1 through December 31, the following fees shall apply:
 - (i) Seasonal Market License. Any not-for-profit corporation operating a farmers' market, and whose application satisfies all requirements set forth in Chapter 175, shall be issued a Seasonal Market License at no cost to the not-for-profit corporation:
 - (ii) Seasonal Vendor License. Each vendor participating in a farmers' market shall be issued a Seasonal Vendor License for a fee of \$150.00 per farmers' market location where such vendor participates, except that any such vendor participating in three (3) or more farmers' markets shall only pay a flat fee of \$400.00. No Seasonal Vendor License Fee shall be charged to any non-food vendor or any other person already possessing a food establishment license from the City of Jersey City, pursuant to Chapter 160, Section P, subparagraphs (2) or (3) herein.

(b) NO CHANGE.

I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect in the manner as provided by law.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is <u>underlined</u>; words struck through are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

PAB 2/24/15

APPROVED AS TO LEGAL FORM

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APPROVED:

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Ordinance of the City of Jersey City, N.J.,

*Amendment(s):

ORDINANCE NO. Ord. 15.026
TITLE: 3.I FEB 25 2015 4.I

MAR 1 1 2015

An ordinance amending: (1) Chapter 175, (Food Handling Establishments) Article III, (Food Establishments) to create standards for Farmers' Markets; (2) Chapter 3, (Administration (Administration of Government) Article IX, (Department of Public Works) Section 71, (Division of Park Maintenance) to amend the approval process for Farmers' Markets seeking permission to operate in city parks; (3) Chapter 239, (Parks) Section 15, (Hours of Operation; Permits; Farmers' Markets) to create standards for Farmers' Markets operating in City Parks and Chapter 160 (Fees and Charges) Section P (Chapter 175, Food Handling Establishments) to create a fee for Farmers' Markets.

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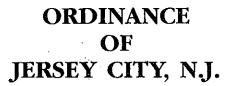
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COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE

15.007

TITLE:

REFUNDING BOND ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING QUALIFIED SCHOOL BONDS, SERIES 2007 A OF THE CITY DATED FEBRUARY 23, 2007 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,300,000 AGGREGATE PRINCIPAL AMOUNT OF SCHOOL REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the City of Jersey City, in the County of Hudson, State of New Jersey (the "City"), had previously issued \$17,050,000 aggregate principal amount of Qualified School Bonds, Series 2007 A on February 23, 2007 (the "Original Bonds"); and

WHEREAS, \$10,170,000 outstanding Original Bonds maturing in the years 2018 through 2027 (the "Refunded Bonds") are currently subject to redemption, either in whole or in part, prior to their stated maturity; and

WHEREAS, the City has determined that the current tax-exempt interest rate environment would enable it to realize debt service savings for the City taxpayers by refunding all or a portion of the aforesaid Refunded Bonds through the issuance of its School Refunding Bonds in an aggregate principal amount not to exceed \$11,300,000 (the "Refunding Bonds"); and

WHEREAS, the City Council now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of the Refunding Bonds in an aggregate principal amount not exceeding \$11,300,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs associated therewith, the City is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed \$11,300,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 et seq., and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding

Bonds shall be designated as "School Refunding Bonds" with such series designation as may be necessary to identify such bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve debt service savings by refunding all or a portion of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$150,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

SECTION 5. A certified copy of this Refunding Bond Ordinance has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 6. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 7. The Chief Financial Officer of the City is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the City bond counsel, financial advisor and auditor, and the manual or facsimile signature of the Chief Financial Officer of the City upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer of the City, the City Clerk and any other City official, officer or professional, including but not limited to, the City bond counsel, financial advisor and auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with City bond counsel, financial advisor and auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED AS TO LE	GALFORM	APPROVED: Manda	Laur CFO
A-4/		APPROVED:	
	Corporation Counsel	Business Admir	nistrator
Certification Required			
Not Required			

ORDINANCE FACT SHEET - NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

REFUNDING BOND ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING QUALIFIED SCHOOL BONDS, SERIES 2007 A OF THE CITY DATED FEBRUARY 23, 2007 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11,300,000 AGGREGATE PRINCIPAL AMOUNT OF SCHOOL REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

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Department/Division	Administration	Management & Budget
Name/Title	Donna Mauer	Chief Financial Officer
Phone/email	201-547-5042	DonnaM@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance I	Purpose
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This ordinance will allow the City to refund certain school bonds. This refunding is estimated to save the City \$414,000 over the life of the bond.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 15.007
TITLE: 3.C IAN

3.C JAN 28 15

MAR 1 1 2015

Refunding Bond Ordinance of the City of Jersey City, in the County of Hudson, State of New Jersey, (The "City") providing for (I) The refunding of certain outstanding Qualified School Bonds, Series 2007A of the city dated February 23, 2007 to provide debt services savings, and (II) Authorizing the issuance of not to exceed \$11,300,000

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Date

Date to Mayor_

Steven M. Fulop, Mayor MAR 1 2 2015

MAR 1 2 2015

City Clerk File No	Ord. 15.008		
Agenda No.	3.D	1st	Reading
	2nd Reading & Fi	inal	Passage

ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE offered and moved adoption of the following ordinance:

CITY ORDINANCE 15,008

TITLE:

REFUNDING BOND ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING QUALIFIED GENERAL IMPROVEMENT BONDS, SERIES 2007 OF THE CITY DATED DECEMBER 7, 2007 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE TO ISSUANCE OF NOT EXCEED \$14,800,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the City of Jersey City, in the County of Hudson, State of New Jersey (the "City"), had previously issued \$26,242,000 aggregate principal amount of Qualified General Improvement Bonds, Series 2007 on December 7, 2007 (the "Original Bonds"); and

WHEREAS, \$13,217,000 outstanding Original Bonds maturing in the years 2018 through 2024 (the "Refunded Bonds") are currently subject to redemption, either in whole or in part, prior to their stated maturity; and

WHEREAS, the City has determined that the current tax-exempt interest rate environment would enable it to realize debt service savings for the City taxpayers by refunding all or a portion of the aforesaid Refunded Bonds through the issuance of its General Improvement Refunding Bonds in an aggregate principal amount not to exceed \$14,800,000 (the "Refunding Bonds"); and

WHEREAS, the City Council now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of the Refunding Bonds in an aggregate principal amount not exceeding \$14,800,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs associated therewith, the City is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed \$14,800,000, all in accordance with the requirements of N.J.S.A. 40A:2-51 <u>et seq.</u>, and appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding

Bonds shall be designated as "General Improvement Refunding Bonds" with such series designation as may be necessary to identify such bonds.

SECTION 3. The purpose of the issuance of the Refunding Bonds is to achieve debt service savings by refunding all or a portion of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$200,000 may be allocated from the aggregate principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate allocated costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance, advertising, accounting, financial, legal and other expenses in connection therewith.

SECTION 5. A certified copy of this Refunding Bond Ordinance has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption and enactment hereof.

SECTION 6. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this Refunding Bond Ordinance and the said bonds and notes authorized by this Refunding Bond Ordinance will be within all debt limitations prescribed by the Local Bond Law.

SECTION 7. The Chief Financial Officer of the City is hereby authorized and directed to determine all matters and terms in connection with the Refunding Bonds, all in consultation with the City bond counsel, financial advisor and auditor, and the manual or facsimile signature of the Chief Financial Officer of the City upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer of the City, the City Clerk and any other City official, officer or professional, including but not limited to, the City bond counsel, financial advisor and auditor, are each hereby authorized and directed to execute and deliver such documents as are necessary to consummate the sale and closing of the Refunding Bonds, and to take such actions or refrain from such actions as are necessary for the issuance of the Refunding Bonds, in consultation with City bond counsel, financial advisor and auditor, and any and all actions taken heretofore with respect to the sale and issuance of the Refunding Bonds are hereby ratified and confirmed.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

APPROVED AS TO LEGAL FORM	APPROVED: Advise Marie 140
Long	APPROVED:
Corporation Counsel Certification Required □	Bus ness Administrator

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Not Required

ORDINANCE FACT SHEET - NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

REFUNDING BOND ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY (THE "CITY") PROVIDING FOR (i) THE REFUNDING OF CERTAIN OUTSTANDING QUALIFIED GENERAL IMPROVEMENT BONDS, SERIES 2007 OF THE CITY DATED DECEMBER 7, 2007 TO PROVIDE DEBT SERVICE SAVINGS, AND (ii) AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$14,800,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

Initiator

Department/Division	Administration	Management & Budget
Name/Title	Donna Mauer	Chief Financial Officer
Phone/email	201-547-5042	DonnaM@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This ordinance will allow the City to refund certain general improvement bonds. This refunding is estimated to save the City \$431,000 over the life of the bond.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 15.008 TITLE:

3.D. JAN 28 2015

4.K MAR 1 1 2015

Refunding Bond Ordinance of the City of Jersey City, in the County of Hudson, State of New Jersey, (The "City") providing for (I) The refunding of certain outstanding General Improvement Bonds, Series 2007 of the city dated December 7, 2007 to provide debt services savings, and (II) Authorizing the issuance of not to exceed \$14,800,000 aggregate principal amount of school refunding bonds of the city to effect such refunding and appropriating the proceeds therefor.

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Date to Mayor_